

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
ANWAR ALKHATIB

Docket No.
13 cv 02337

Plaintiff

against

NEW YORK MOTOR GROUP, LLC, et. al

Defendants

SHAHADAT TUHIN

Docket No.
13 cv 5643

Plaintiff

against

NEW YORK MOTOR GROUP, LLC, et. al

Defendants

BORIS FREIRE and MIRIAM OSCORIO

Docket No.
13 cv 7291

Plaintiffs

against

NEW YORK MOTOR GROUP, LLC, et. al

Defendants

SIMON GABRYS

Docket No.
13 cv 7290

Plaintiff

against

NEW YORK MOTOR GROUP, LLC, et. al

Defendants

ZHENGHUI DONG

Docket No.
14 cv 2980

Plaintiff

against

NEW YORK MOTOR GROUP, LLC, et al.

Defendants

**NOTICE OF
CROSS-MOTION**

NASRIN CHOWDHURY

Docket No.

14 cv 2981

Plaintiff

against

NEW YORK MOTOR GROUP, LLC, et. al

Defendants

PLEASE TAKE NOTICE, that based upon the declaration of Lance Grossman dated September 24, 2014, the Memorandum of Law, the exhibits attached hereto and upon all of the pleadings and proceedings had heretofore herein, M &T Bank, the defendant in the above matters of Tuhin, Gabrys and Chowdhury, will cross-move this Court before the Honorable Steven M. Gold, Chief Magistrate Judge, at the United States Courthouse, located at 225 Cadman Plaza East, Brooklyn, New York, on the 25th day of November, 2014 at 2:30pm or as soon thereafter as counsel can be heard for an Order;

A. Pursuant to Federal Rules of Civil Procedure 12(b)(1), 12(b)(6) and 9(b);

i. Dismissing the First, Second and Third Causes of action against M&T Bank in the matter of Tuhin v New York Motor Group, LLC, et. al (Exhibit "A");

ii. Dismissing the First, Fourth, Sixth and Seventh Causes of action against M&T Bank in the matter of Gabrys v New York Motor Group, LLC, et. al (Exhibit "B");

iii. Dismissing the First, Fourth, Sixth, Seventh and Eighth causes of action against M&T Bank in the matter of Chowdhury v New York Motor Group, LLC, et. al (Exhibit "C").

B. Pursuant to 16 CFR 433 limiting the liability of M&T Bank in the Tuhin, Gabrys and Chowdhury to that of a Holder in Due Course

C. For such other and further relief as to the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE, that opposition papers, if any, are to be served in accordance with the schedule Ordered by the Court.

Dated: New York, New York
September 24, 2014

Yours, etc.
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